

| | | | |
|---|--|---|--|
| United States Bankruptcy Court Western District of New York | | VOLUNTARY PETITION | |
| Gary J. Garbacz | | Name of Joint Debtor: Lori L. Garbacz | |
| ALL OTHER NAMES used by Debtor in the last 6 years (including married, maiden and trade names) | | ALL OTHER NAMES used by joint Debtor in the last 6 years (including married, maiden and trade names) | |
| Soc. Sec. # XXX-XX-3772 | | Soc. Sec. # XXX-XX-0404 | |
| STREET ADDRESS OF DEBTOR <div style="text-align: center;">107 Stover Road Rochester NY 14624</div> | | STREET ADDRESS OF JOINT DEBTOR <div style="text-align: center;">SAME</div> | |
| <div style="border: 1px solid black; padding: 5px;"> County of Residence Monroe </div> | | <div style="border: 1px solid black; padding: 5px;"> County of Residence SAME </div> | |
| [X] VENUE: Debtor has been domiciled or has had a residence, principle place of business or principle assets in this District 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district. | | | |
| INFORMATION REGARDING DEBTOR | | | |
| Type of Debtor: [X] Individuals | | CHAPTER OR SECTION OF BANKRUPTCY CODE UNDER WHICH THE PETITION IS FILED: [X] Chapter 7 | |
| Nature of Debt: [x] Consumer/Non-Business [] Business | | Filing fee: [X] Full filing fee is attached | |
| STATISTICAL ADMINISTRATIVE INFORMATION (28 USC §604) <small>(Estimates only) (Check applicable boxes)</small> | | THIS SPACE FOR COURT USE ONLY | |
| <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors (except, in the case of Chapter 13, from post-petition plan payments) | | | |
| Estimated Number of Creditors: <div style="display: flex; justify-content: space-around;"> [X] 1-15 [] 16-49 [] 50-99 </div> | | | |
| Estimated Assets (in thousands of dollars) <div style="display: flex; justify-content: space-around;"> [] \$0-\$50,000 [] \$50,001-\$99,000 [X] \$100,001-\$500,000 </div> | | | |
| Estimated Liabilities (in thousands of dollars) <div style="display: flex; justify-content: space-around;"> [] \$0-\$50,000 [] \$50,001-\$99,000 [X] \$100,001-\$500,000 </div> | | | |
| | | | |

Chapter 7 form:

PRIOR BANKRUPTCY CASE FILED WITHIN LAST 6 YEARS : ☒ NONE

PENDING BANKRUPTCY CASE FILED BY ANY
SPOUSE, PARTNER, OR AFFILIATE OF THIS DEBTOR: ☒ NONE

Exhibit C

Does the Debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health and safety? ☒ NO

REQUEST FOR RELIEF UNDER CHAPTER 7 (Joint Debtors):

We declare under penalty of perjury that the information provided in this petition is true and correct. We are aware that we may proceed under chapter 7, 11, 12, or 13 of Title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7 of such title. We request relief in accordance with chapter 7 of title 11, United States Code, as specified in this petition.

/s/ _____
Signature of Gary J. Garbacz
Chapter 7 Debtor

Date signed: October 10, 2005

/s/ _____
Signature of Lori L. Garbacz
Chapter 7 Co-Debtor

Date signed: October 10, 2005

Peter Scribner; Attorney for Debtors
1110 Park Avenue
Rochester, NY 14610
Phone: (585) 261-6461

Date signed: October 10, 2005

fax: (585) 256-6462

e-mail: pscribner@rochester.rr.com

web: scribnerlaw.com

EXHIBIT "B": I, the Attorney for the Debtors named in the foregoing Petition, declare that I have informed the Debtors that he, she, or they may proceed under Chapter 7, 11, 12, or 13 of Title 11, United States Code, and have explained the relief available under each such chapter.

/s/ _____
Peter Scribner; Attorney for Debtors

Date signed: October 10, 2005

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re: Gary J. & Lori L. Garbacz

Chapter 7 Case #05-2

SUMMARY OF SCHEDULES

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedule A and B to determine the total amount of the Debtor's assets. Add the amounts from Schedule D, E, and F to determine the total amount of the Debtor's liabilities.

| Name of Schedules | Attached (Yes/No) | No. of Sheets | Assets | Liabilities | Other |
|--|----------------------|---------------------|--------------|--------------|------------|
| A- Real Property | Yes | part of 1 | \$138,800.00 | | |
| B-Personal Property | Yes | 3 | \$22,923.00 | | |
| C- Property Claimed as Exempt | Yes | 1 | | | |
| D-Creditors holding Secured Claims | Yes | 1 | | \$154,346.00 | |
| E- Creditors holding Priority Claims | Yes | part of 1 | | \$0.00 | |
| F- Creditors holding Unsecured Claims | Yes | 4 | | \$200,436.00 | |
| G- Contracts & Unexpired leases | Yes | 1 | | | |
| H- Co-Debtors | Yes | part of 1 | | | |
| I- Current income | Yes | 1 | | | \$2,843.00 |
| J- Current expenses | Yes | 1 | | | \$2,870.00 |
| Total sheets in all schedules ◇ | | 12 | | | |
| | | Total Assets ◇ | \$161,723.00 | | |
| | | Total liabilities ◇ | | \$354,782.00 | |

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re: Gary J. & Lori L. Garbacz

Chapter 7 Case #05-2

Schedule A: Real Property

Except as directed below, list all real property in which the Debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the Debtor has a life estate. Include any property in which the Debtor holds rights and powers exercisable for the Debtor's own benefit. If the Debtor is married, state whether husband, wife, or both own the property by placing an "H", "W" or "J" (for "husband", "wife" or "Joint") in the "H, W, or J" column. Do not include any leases or contracts in this schedule (list them in Schedule G - Executory Contracts and Unexpired Leases.) If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D

[X] Check here if Debtor's interest in the property below is a "fee" interest

| Description and Location of Property, and name and description of any co-owner | H W J | Full Market Value of Property | Description of any Secured Claim | Amount of any Secured Claim |
|--|-------------|---|--------------------------------------|-----------------------------|
| Residence: 107 Stover Road (County of Monroe) | J | \$138,800.00 (Property tax assessment) | Washington Mutual | \$119,106.00 |
| | | | Greentree | \$24,484.00 |
| | | | Fleet Judgment (Sch F; husband only) | \$152,188.00 |
| | | | Total | \$295,778.00 |

Total: \$138,800.00

Schedule B - Personal Property

Except as directed below, list all personal property of the Debtor of whatever kind. If The Debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "NONE." If the Debtor is married, state whether husband, wife, or both own the property by placing an "H", "W" or "J" (for "husband", "wife" or "Joint") in the "H, W, or J" column. Do not include any leases or contracts in this schedule (list them in Schedule G - Executory Contracts and Unexpired Leases. If the property is being held for the Debtor by someone else, state that person's name and address under "description."

| Type of Property | N O N E | Description and Location of Property | H W J | Current Market Value |
|--|------------------|--|-------------|----------------------|
| 1. Cash on hand (residence) (personal services income earned within prior 60 days) | | | J | \$1,150.00 |
| 2. Checking, savings or other financial accounts; Certificates of Deposit or shares in banks, Savings and Loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses or cooperatives: | | Name of Bank: St. Pius X FCU, as of 10/10/05 | J | \$1,729.00 |
| 3. Security deposits with public utilities, telephone companies, landlords or other | | | | \$0.00 |

| Type of Property | N O N E | Description and Location of Property | H W J | Current Market Value |
|---|------------------|--|-------------|----------------------|
| 4. Household goods & furnishings, including audio, video & computer equipment | | (5) TV's, inc. a 15 year old big screen and four small TV's; (1) stereo, purchased 7 yrs ago for \$1,100; (1) VCR/DVD Dell computer, purchased 1 year ago for \$1,000; may be secured by Dell claim); (2) old computers used by kids; household furniture for four bedroom house with three kids, mostly all 10+ years old | J | \$4,000.00 |
| 5. Books, pictures, and other art objects; antiques, stamp, coin record, tape, compact disk and other collections or collectibles | | (20) books; (40) CD's; (20) DVD's; (3) paintings purchased for \$800 c. nine years ago | J | \$200.00 |
| 6. Wearing apparel | | | J | \$500.00 |
| 7. Furs & jewelry | | (2) Wedding rings | J | \$150.00 |
| | | (10) ear rings; (5) necklaces; (2) bracelets; (3) rings (engagement ring purchased for \$1,500) | W | \$400.00 |
| 8. Firearms and sports, photographic and other hobby equipment | | Bowling ball; 35 mm camera | J | \$50.00 |
| 9. Interest in insurance policies | X | | | \$0.00 |
| 10. Annuities | X | | | \$0.00 |
| 11. Interest in IRA, ERISA, Keogh, or other pension or profit sharing plans. | X | | | \$0.00 |
| 12/13. Stock & interests in incorporated or unincorporated businesses, partnerships, or joint ventures. | X | | | \$0.00 |
| 14. Government and corporate bonds and other negotiable and non-negotiable instruments. | X | | | \$0.00 |
| 15. Accounts receivable. | | 1) Churchville kitchen job; project is not completed and so is valued at \$0; 2) \$460 bounced check for personal services performed August 12 (claimed as exempt) | H | \$460.00 |
| 16. Alimony, maintenance, support, or property settlements to which the Debtor may be entitled. | X | | | \$0.00 |
| 17. Other liquidated debts owing Debtor. | | Possible claim against "DebtXS", a debt repayment negotiation business located at 15301 Dallas Pkwy Suite 1110; Addison TX 75001. Debtor paid them \$2,562 from 4/05 through 9/05 and debtors are not aware of any money having been paid to creditors. According to the contract, DebtXS owes the debtors \$1,009 refund. | J | \$1,009.00 |

| Type of Property | N O N E | Description and Location of Property | H W J | Current Market Value |
|--|------------------|--|-------------|----------------------|
| 18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the Debtor other than property listed in schedule of Real Property. | X | | | \$0.00 |
| 19. Contingent & non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust. | X | | | \$0.00 |
| 20. Other contingent & unliquidated claims of every nature, inc. tax refunds, counter-claims of Debtor, and rights to setoff claims | | Pro rata share of 2005 tax refund | J | \$300.00 |
| 21. Patents, copyrights, and other intellectual property. | X | | | \$0.00 |
| 22. Licenses, franchises, general intangibles. | X | | | \$0.00 |
| 23. Automobiles, trucks, trailers & other vehicles and accessories. | | 1999 Chrysler Town & Country Minivan (Lien: NBG \$8,403) | W | \$8,600.00 |
| | | 1997 Dodge B2500 Van (Lien: St. Pius FCU \$2,351) | H | \$2,775.00 |
| | | 1994 Plymouth Grand Voyager, not operating and not on the road | H | \$400.00 |
| | | 1958 small camper trailer (DMV considers it to be "home made") | W | \$50.00 |
| 24/25. Boats, motors, aircrafts & accessories. | X | | | \$0.00 |
| 26-28. Office equipment, furnishings & supplies; Machinery, fixtures, equipment & supplies used in business; Inventory | | Tools of the trade: hand tools; hand power tools; (1) table saw 15 years old; (1) band saw 10 years old; 2 ladders (32' & 24'); inexpensive digital camera | H | \$1,000.00 |
| 29-32. Animals; Crops - growing or harvested; farming equipment and implements; farm supplies, chemicals and feed. | | 2 dogs, 2 cats (1) Shih-tzu purchased a year ago for \$350 | J | \$150.00 |
| 33. Other personal property of any kind not already listed | X | | | \$0.00 |
| Schedule B Total: | | | | \$22,923.00 |

Schedule C: Property Claimed as Exempt

Debtor elects the exemption to which the Debtor is entitled under 11 USC §522(b)(2) and New York Debtor and Creditor Law §282 & 283. Debtor claims maximum statutory limit for each type of property.

| Description of Property | Value of Claimed Exemption | Market Value of Property without deducting exemptions |
|---|----------------------------|---|
| Wearing apparel & household goods | \$5,000.00 | \$4,500.00 |
| Automobile: 1999 Chrysler Town & Country Minivan (Wife) | \$2,400.00 | \$8,600.00 |
| Automobile: 1997 Dodge B2500 Van (Husband) | \$2,400.00 | \$2,775.00 |
| Wedding rings | \$150.00 | \$150.00 |
| Cash, bank accounts, tax refunds | \$5,000.00 | \$3,179.00 |
| 90% of cash or bank account, representing personal services earnings of the debtor received within 60 days of the filing of the petition Based on: 1) \$1,150 listed as "cash" on Item 1, Sch. B (the \$1,150 cash asset is also included in the "cash" exemption above and 2) the \$460 bounced check for personal services listed under item #15, Sch B.) | \$1,035.00 | \$1,150.00 |
| Pets (Domestic animals) | \$150.00 | \$150.00 |

Schedule D: Creditors holding Secured claims

State the name, mailing address, including zip code, and account number, if any, of all of all entities holding claims secured by the property of the Debtor, as of the date of filing the petition. List creditors holding all types of secured interests such as lien judgements, garnishments, statutory liens, mortgages, and other security interests.

[X] Check here if Debtor has no co-Debtor other than spouse. Otherwise, list any co-Debtor in "description" column.

[X] Check here if no debts are contingent or disputed; otherwise, list any contingency or dispute in the "description" column.

| Creditor Name and Address | H W J | Description of security, account #, and date of debt | Full Amount of Claim | Full Value of security | Unsecured portion of claim |
|--|-------------|--|----------------------------|---------------------------|----------------------------------|
| Washington Mutual Bank 11200 West Parkland Avenue Milwaukee WI 53224 For notification only: Stephen Baum, PC Attorney for Washington Mutual 220 Northpointe Parkway Suite G Amherst NY 14428 | J | First mortgage on residence: 107 Stover Road; Recorded MCCO : book 16071, p. 429 on 2/21/02. Total arrears \$6,075.00 | \$119,106.00 | \$138,800.00 | \$0.00 |
| Greentree 800 Landmark Towers 345 St. Peter Street St. Paul MN 55102 | J | 2nd mortgage on residence. AC #****8144; recorded MCCO book 13376, p. 541 on 5/15/97; subordination to 1st mtg. recorded book 16071, p. 448 on 2/21/02. | \$24,485.00 | same | \$4,791.00 |
| National Bank of Geneva PO Box 193 Geneva NY 14456 | W | Auto loan: 1999 Chrysler Town & Country Minivan AC#****3209 | \$8,403.00 | \$8,600.00 | \$0.00 |
| St. Pius X FCU 2998 Chili Avenue Rochester NY 14624 | H | Auto loan: 1997 Dodge B2500 Van; AC#****8141 | \$2,352.00 | \$2,775.00 | \$0.00 |
| Total | | | \$154,346.00 | | \$4,791.00 |

Schedule E: Creditors holding Unsecured, Priority claims

☒ Check here if Debtor has no creditors holding unsecured priority claims to report on this Schedule E

A complete list of claims entitled to property, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided below, state the name and mailing address, including zip code, and account number if any, of all entities holding priority claims against the Debtor or property of the Debtor, as of the date of the petition.

☒ Check here if Debtor has no co-Debtor other than spouse. Otherwise, list any co-Debtor in "description" column.

☒ Check here if no debts are contingent or disputed; otherwise, list any contingency or dispute in the "description" column.

☐ Extensions of credit in an involuntary case: . 11 USC 507(a)(2)

☐ Wages, salaries, & commissions, including vacation, severance, and sick leave pay owing to employees, up to a maximum of \$2,000 per employee, earned within 90 days preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 USC 507(a)(3)

☐ Contributions or money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 USC 507(a)(4)

☐ Claims of certain farmers and fisherman as provided in 11 USC 507(a)(5)

☐ Deposits of individuals: Claims of individuals up to a maximum of \$900 for deposits, leases, or rental of property or services for personal, family, or household use, that were not delivered or provided. ii USC 507(a)(6)

☐ Alimony, maintenance or support claims of a spouse, former spouse or child of Debtor

☐ Taxes and Other Certain Debts Owed to Governmental Units: Taxes, customs duties, and penalties owing to federal, state and local governmental units as set forth in 11 USC 507(a)(7)

Schedule F: Creditors holding Unsecured, non-priority claims

State the name, mailing address, including zip code, and account number, if any, of all of all entities holding unsecured claims without priority against the Debtor or the property of the Debtor, as of the date of filing the petition. Do not include claims listed in schedule D & E.

☒ Check here if Debtor has no co-Debtor other than spouse. Otherwise, list any co-Debtor in "description" column.

☒ Check here if no debts are contingent or disputed; otherwise, list any contingency or dispute in the "description" column.

Note: for revolving charge accounts, the "debt date" listed below is the approximate date the account was last used.

| Creditor Name and Address | H, W or J | Account number | Description | Debt date | Amount of claim |
|---|--------------|-------------------|-------------------------|--------------|--------------------|
| Allied Building Products Corp. Keystone Builders Supply 1075 Buffalo Road Rochester NY 14624 Alternative address: Allied Building Products Corp. Keystone Builders Supply 3888 Collection Center Drive Chicago IL 60693 | H | Cust #*7411 | Business debt | 2004 | \$2,610.00 |
| Capital One Bank PO Box 790216 St. Louis MO 63179-0216 Alternative address: Capital One Services PO Box 85015 Richmond VA 23285-5015 | W | xxxx-9962 | Consumer transaction | >2003 | \$12,417.00 |
| Sub-Total; this page | | | | | \$15,027.00 |

| Creditor Name and Address | H, W or J | Account number | Description | Debt date | Amount of claim |
|--|--------------|---|--|--------------|--------------------|
| Dell Preferred Account PO Box 6403 Carol Stream IL 60197-6403 Alternative address: Dell Preferred Account PO Box 81577 Austin TX 78708-1577 | H | xxxx-7-280 | Consumer transaction; may be secured by old computer | 2004 | \$1,352.00 |
| Discount Gutters, Inc. 167 Flanders Street Rochester NY 14619 For notification only: C&C Adjustment Bureau Agent for Discount Gutters 46 Prince Street Rochester NY 14607 | H | xxxx- | Business debt | 2004 | \$167.00 |
| Discover Card PO Box 15251 Wilmington DE 19886-5251 Alternative address: Discover Financial Services Inc. PO Box 3008 New Albany OH 43054-3008 | H | xxxx-7923 | Consumer transaction | >2002 | \$6,327.00 |
| E-Trade Financial PO Box 9201 Old Bethpage NY 11803 Alternative address: E-Trade Financial PO Box 5721 Hicksville NY 11802-5721 | W | xxxx-3533 | Consumer transaction | >2004 | \$8,209.00 |
| Fleet Bank (Now Bank of America) 9 North Main Street Pittsford NY 14534 | H | Judgment of \$119,833 filed MCCO 8/27/02; scheduled amount includes 3 years judgment interest | | 2002 | \$152,188.00 |
| Sub-Total; this page | | | | | \$168,243.00 |

| Creditor Name and Address | H, W or J | Account number | Description | Debt date | Amount of claim |
|---|--------------|-------------------|-------------------------|--------------|--------------------|
| GE Money Bank PO Box 960061 Orlando FL 32896-0061 Alternative address: GE Money Bank PO Box 981127 El Paso TX 79998-1127 | H | xxxx-9002 | Consumer transaction | 2003 | \$1,105.00 |
| Home Depot Credit Services (Citibank) PO Box 9100 Des Moines IA 50368-9100 For notification only: GE Services Ltd. Partnership Agent for Home Depot (Citibank) PO Box 26999 San Diego CA 92196 | H | xxxx-8044 | Consumer transaction | >2003 | \$8,347.00 |
| Hunt's Hardware 750 South Avenue Rochester NY 14620 Alternative address: Hunts Hardware 390 Thurston Road Rochester NY 14619 | H | xxxx-8565 | Business debt | 2004 | \$458.00 |
| JC Penny Company PO Box 960001 Orlando FL 32896-0001 | H | xxxx-06-05 | Consumer transaction | >2005 | \$218.00 |
| Lowe's PO Box 981064 El Paso TX 79998-1064 Alternative address: Lowe's PO Box 530914 Atlanta GA 30353-0914 | H | xxxx-940-7 | Consumer transaction | >2004 | \$560.00 |
| Sub-Total; this page | | | | | \$10,688.00 |

| Creditor Name and Address | H, W or J | Account number | Description | Debt date | Amount of claim |
|--|--------------|---|-------------------------|--------------|---------------------|
| Rochester Gas & Electric Att: Bankruptcy Department 89 East Avenue Rochester NY 14649 | H | xxxx-1706 | Utility bill | 2005 | \$1,010.00 |
| Sears Premium Card CitiCards PO Box 45129 Jacksonville FL 32232 Alternative address: Sears Premium Card CitiCards PO Box 182149 Columbus OH 43218-2149 Alternative address: Sears Premium Card CitiCards PO Box 6923 The Lakes NV 88901 | H | xxxx-8255 | Consumer transaction | >2004 | \$4,647.00 |
| Tulloch Plumbing & Heating, Inc. PO Box 398 North Chili NY 14514 For notification only: Tulloch Plumbing & Heating Metropolitan Collection Agency PO Box 18637 Rochester NY 14618 | H | Tulloch ac #****G107 metro acct. *0841 | Business debt | 2004 | \$821.00 |
| Sub-Total; this page | | | | | \$6,478.00 |
| Total: | | | | | \$200,436.00 |

Schedule G: Executory Contracts and Unexpired Leases

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of Debtor's interest in contract, i.e. "Purchaser," "Agent" etc. State whether the Debtor is lessor or lessee of a lease. Provide the name and complete mailing address of all parties to each lease or contract described. NOTE: A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors

| Name and Mailing Address, including Zip Code, of other parties to lease or contract | Description of contract or lease and nature of the Debtor's interest, state whether lease is for nonresidential real property. State contract number of any government contract |
|---|---|
| | Debtor is still working on a home improvement contract in Churchville; the contract is still executory |

Schedule H: Co-Debtors

[X] Check here if Debtor has no Co-Debtors

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debt listed by a Debtor in the schedules of creditors. Include all guarantors and cosigners. Include all names used by a non-Debtor spouse during the six years immediately preceding the commencement of this case.

Schedule I: Current Income of Debtor

The Table labeled "Spouse" must be completed in all cases filed by joint Debtor and by a married Chapter 13 Debtor whether or not a joint petition is filed.

| | | |
|--|-------------------------------|----------------------------------|
| Debtor's Marital status: Married; living together | Dependents of Debtor & Spouse | |
| | Age | Relationship |
| | RG | 7 |
| | BG | 12 |
| | HG | 12 |
| Employment | Husband | Wife |
| Occupation | Self-employed contractor | Office worker |
| Name of Employer | | Bright Raven Gymnastics |
| How long employed | 4 years | 2 years |
| Address of employer | (Residence) | PO Box 24695; Rochester NY 14624 |
| Income: (estimate of average monthly income) | | |
| | Husband | Wife |
| Current monthly gross wages and commissions (pro rate if not paid monthly) | \$0.00 | \$607.00 |
| LESS PAYROLL DEDUCTIONS | | |
| a. Payroll taxes and social security | | \$50.00 |
| TOTAL NET MONTHLY TAKE HOME PAY | | |
| Regular income available from the operation of a business; profession, or farm Interest from real property; interest & dividends; alimony, maintenance, or support payments payable to the Debtor for the Debtor's use or that of dependents listed above; Social Security or other government assistance; pension or retirement income or other monthly income | \$0.00 | \$557.00 |
| Husband's Self-employment income: YTD 2005: 1/05 thru 8/05: Gross receipts \$48,654; expenses \$24,407; net profit: \$24,247, or \$3,031 p/m. Income is expected to drop off in November & December, as those are usually slow months for home remodeling contractors. 2004 business income, per tax returns: Gross sales \$85,513; expenses: \$56,322; net cash profit before deduction of home business expense: \$28,191 or \$2,349 p/m. 2003: Gross sales \$30,356; expenses \$9,645; net profit \$20,711. The figure scheduled here is 2003, 2004 and YTD 2005 profit, divided by 32 months. | \$2,286.00 | |
| Other: | \$0.00 | \$0.00 |

TOTAL (COMBINED) MONTHLY INCOME: \$2,843.00

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document: -- **Husband is actively seeking regular employment.**

Schedule J: Current Household Expenditures

Complete this schedule by estimating the average monthly expenses of the Debtor and the Debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually or annually to show monthly rate.

| Description | Amount |
|--|-------------------|
| 1 st Mortgage payment, inc. property insurance and property taxes | \$1,215.00 |
| 2 nd Mortgage payment | \$252.00 |
| Water & Pure Water | \$35.00 |
| Gas & Electric | \$400.00 |
| Telephone | \$28.00 |
| Home maintenance (repair & upkeep) (including laundry & dry cleaning) | \$100.00 |
| Food | \$450.00 |
| Clothing | \$75.00 |
| Transportation (car repair & fuel, <u>not</u> car payments) Note: transportation for one vehicle, inc. insurance, is included in the business expenses of the husband's contracting business and is not repeated here. Wife's vehicle: \$175 p/m gas; repairs & other costs \$25 (car is under warranty) | \$200.00 |
| Health insurance (not deducted from wages) Family Health Plus: | \$27.00 |
| Automobile insurance | \$58.00 |
| Installment payments that will still be paid after filing: | \$0.00 |
| Business expenses (attach statement) | \$0.00 |
| Sanitation | \$30.00 |
| Total Monthly Expenses | \$2,870.00 |

DECLARATION CONCERNING DEBTOR'S SCHEDULES:

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR:

We declare under penalty of perjury that we have read the foregoing summary & schedules, consisting of 13 sheets, and that they are true and complete to the best of our knowledge, information and belief.

Date signed: October, 2005

/s/ _____
Gary J. Garbacz

/s/ _____
Lori L. Garbacz

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re: Gary J. & Lori L. Garbacz

Chapter 7 Case #05-2

STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every Debtor. spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

NOTE: THE PHRASE "PRIOR TO FILING THE CASE", USED HEREIN, MEANS THE PERIOD IMMEDIATELY PRECEDING THE COMMENCEMENT OF THIS CASE.

| | | | |
|---------------------------|---|--|-------------|
| | 1. Income from Employment or operation of business: Gross employment income, year to date (w's employment income as of 8/28/05; h's business operating income as of 8/31/05) Gross employment income; previous two calendar years: 2004: h's tax return net business income \$26,757; w's wage income \$2,828. | YTD, H) | \$19,240.00 |
| | | YTD, W) | \$4,860.00 |
| | | H) 2004 | \$26,757.00 |
| | | H) 2003 | \$20,711.00 |
| | | W) 2004 | \$2,828.00 |
| | | W) 2003 | \$0.00 |
| NONE [X] | 2. Income Other than from Employment: Non-employment income received; previous two calendar years: | H) 2004 | \$0.00 |
| | | H) 2003 | \$0.00 |
| | | W) 2004 | \$0.00 |
| | | W) 2003 | \$0.00 |
| | 3(a): Payments to creditors: List all payments on loans, installment purchases of goods and services, and other debts, aggregating more than \$600 to any creditor, made within 90 days prior to filing the case. | Paid RG&E \$1,000 c. 9/15 to avoid a shut-off Greentree c. \$750 (3 regular monthly mortgage payments) Nat. Bank Geneva car payment c. \$720 (regular car loan payments) | |
| NONE [X] | 3(b): Payments to creditors: List all payments made within one year prior to filing the case to relatives or other insiders: | | |
| | 4. Suits, Executions, Garnishments and Attachments: (a): List all suits to which the Debtor is or was a party within one year prior to filing the case | Foreclosure against residence by Washington Mutual; MCSC #10074-05; see Sch. D | |
| NONE [X] | (b): Describe all property attached, garnished, or seized under any legal or equitable process within one year prior to filing the case: | | |
| NONE [X] | 5. Repossessions, Foreclosures & Returns: list all property that has been repossessed by a creditor, sold at foreclosure, deeded in lieu of foreclosure, or returned to the seller, within one year prior to filing the case | | |
| NONE [X] | 6(a): Assignments: Describe any assignment of property for the benefit of creditors made within 120 days prior to filing case: | | |

| | | |
|---------------------------|--|---|
| NONE [X] | 6(b):Receiverships: List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year prior to filing: | |
| NONE [X] | 7. Gifts: List all gifts or charitable contributions made within one year prior to filing the petition, except ordinary and usual gifts to family members aggregating less than \$200 value per individual family member and charitable contributions aggregating less than \$100 per recipient: | |
| NONE [X] | 8. Losses: List all losses from fire, theft, other casualty or gambling within one year prior to filing the case or since filing this case: | |
| | 9. Payments related to debt Counseling or bankruptcy: List all payments made (or property transferred) by or on behalf of the Debtor to any person, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law, or preparation of a bankruptcy petition within one year prior to filing the case: | Prior to filing, Debtor paid Attorney Peter Scribner \$209.00 filing fee and a retainer of \$800.00; Paid "Debt Excess" since April 2005 for debt negotiation plan (see Sch. B, item 17) |
| NONE [X] | 10. Other transfers: List all other property, other than property transferred in the ordinary course of business or financial affairs of the Debtors, transferred either absolutely or as security within one year prior to filing the case: | |
| NONE [X] | 11. Closed financial accounts: List all financial accounts and instruments held in the name of the Debtor or for the benefit of the Debtor which was closed, sold or otherwise transferred within one year prior to filing the case. Include checking, savings, or other financial accounts, CD's, or other instruments; shares and share accounts in banks, credit unions, pension funds, cooperative funds, cooperatives, associations, brokerage houses and other financial institutions. | |
| NONE [X] | 12. Safe deposit Boxes: List each safe deposit box or depository in which the Debtor has or had securities, cash, or other valuables within one year prior to filing the case: | |
| NONE [X] | 13. Setoffs: List all setoffs made by any creditor, including a bank, against a debt or deposit of the Debtors within 90 days prior to filing the case: | |
| NONE [X] | 14. Property Held for Another Person: List all property owned by another person the Debtor holds or controls: | |
| NONE [X] | 15. Prior Address of Debtor: If the Debtor has moved within two years prior to filing this case, list all premises which the Debtor occupied during that period and vacated prior to filing. | |
| NONE [X] | 16. Spouses and Former Spouses: If the debtor resides or resided in a community property state, commonwealth or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, puerto Rico, Texas, Washington or Wisconsin) within the six-year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state. | |

| | | |
|---------------------------|--|---|
| NONE [X] | <p>17. Environmental Information: For the purposes of this question, the following definitions apply: "Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes or material. "Site" means any location, facility, or property as identified under any Environmental Law, whether or not presently or formally owned or operated by the debtor, including, but not limited to, disposal sites. "Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law.</p> <p>a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:</p> <p>b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of hazardous material. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:</p> <p>c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.</p> | |
| | 18(a) Nature, location & name of business: If the debtor is an individual , list the names and addresses of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self employed professional within two years immediately preceding the filing of this case, or in which the debtor owns 5% or more of the voting or equity securities within the two years immediately preceding the commencement of this case.. | Gary Garbaczis self-employed as a home improvement contractor in his own name (no dba). Business started 2001 and is ongoing. |
| NA | 18(b) Nature, location & name of business: If the debtor is a partnership | |
| NA | 18(c) Nature, location & name of business: If the debtor is a corporation , list the names and addresses of all businesses in which the debtor was a partner, or owned 5 percent or more of the voting securities, within the two years immediately preceding the commencement of this case. | |
| | 19(a) Books, records, & financial statements: a. List all bookkeepers and accountants who within the six years prior to filing the case, kept or supervised the keeping of books and records of the debtor. | Debtors do their own book keeping and accounting. |
| NONE [X] | 19(b) List all firms or individuals who within the past two years prior to the filing of the case have audited the books of accounts and records, or prepared a financial statement of the debtor: | |
| | 19(c) List all firms or individuals who at the time of the filing of the case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain. | Debtors maintain books & records |
| NONE [X] | 19(d) List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within the two years prior to the filing of the case. | |
| NONE [X] | 20. Inventories: a) List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory. | |
| NONE [X] | b. List the name and address of the person having possession of the records of each of the two inventories reported in 18(a), above. | |
| NA | 21(a) Current partners, Officers, Directors and Shareholders: If the debtor is a partnership | |

| | | |
|----|---|---|
| NA | 21(b) Current partners, Officers, Directors and Shareholders: If the debtor is a corporation , list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting securities of the corporation. | Name/Address: Title: Nature & % of stock: |
| NA | 22(a) Former partners, officers, directors & shareholders: If the debtor is a partnership | |
| NA | 22(b) Former partners, officers, directors & shareholders: If the debtor is a corporation , list all officers or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of this case. | Name & address: Title: Date of termination: |
| NA | 23. Withdraws from a partnership or distributions by a corporation: If the debtor is a partnership or corporation, list all withdraws or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the commencement of this case. | |

We declare under penalty of perjury that we have read the foregoing Statement of Financial Affairs, and that it is true and complete to the best of my/our knowledge, information and belief.

Date signed: October 10, 2005

/s/ _____
Gary J. Garbacz

/s/ _____
Lori L. Garbacz

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re: Gary J. & Lori L. Garbacz

Chapter 7 Case #05-2

1. We, the Debtors, have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.

2. It is the intention of the Debtors with respect to the property of the estate which secures those consumer debts as follows:

a. Property to be surrendered: **NONE**

b. Property to be retained:

Description of property: 1999 Chrysler Town & Country Minivan
Creditor's name: National Bank of Geneva

Description of property: 1997 Dodge B2500 Van
Creditor's name: St. Pius X FCU

THE DEBT WILL BE REAFFIRMED PURSUANT TO SECTION 524(c).

3. We understand that section 521(2)(B) of the Bankruptcy Code requires that We perform the above stated intention within 45 days of the filing of this statement with the court, or within any extension of the 45 day period which the court may grant.

Date signed: October 10, 2005

/s/_____
Gary J. Garbacz

/s/_____
Lori L. Garbacz

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re: Gary J. & Lori L. Garbacz

RULE 2016(b) STATEMENT

Peter Scribner, Esq., pursuant to Rule 2016(b) of Bankruptcy Rules, states that:

1. I am the attorney for the Debtors in this case.
2. The compensation agreed to be paid by the Debtors to me for basic bankruptcy services is:
 - a) \$800.00
for legal services rendered or to be rendered in contemplation of and in connection with this case.
 - b) The amount of \$800.00 retain was paid by the Debtors prior to filing this statement.
 - c) The unpaid balance, if any, is \$0.00
3. \$209.00 of the filing fee has been paid.
4. The services rendered or to be rendered include the following:
 - (a) Analysis of the financial situation, and rendering advise and assistance to the Debtors in determining whether to file a petition under title 11 of the United States Code.
 - (b) Preparation and filing of the petition, schedules, statements of affairs, plans, and other documents of the court.
 - (c) Representing the Debtors at the section 341 meeting, plan confirmation hearings, and discharge/reaffirmation hearings;
 - (d) Removal of garnishments or wage assignments;
 - (e) Negotiate valuation of secured claims.
 - (f) Representation of the Debtor in any proceedings or negotiations for any motions to reaffirm debts, to redeem exempt personal property from liens, to abandon or clear title to real property, or to avoid judicial liens on property of the Debtors.
5. The services rendered or to be rendered for the above amount do not include representation of the Debtor in any adversary proceeding; state court action or proceeding; objections to claims; motions to amend the petition, schedules or statements to comport with developments after the 341 meeting; motions to lift the automatic stay; court hearings required to determine valuation of secured property or claims; or trustee proceedings to sell property.
6. The source of the payments made by the Debtors to me was from wages, earnings and compensation for services performed.
7. The source of payments to be made by the Debtors to me for the unpaid balance remaining will be from wages, earnings and compensation for services performed.
8. I have received no transfer, assignment or pledge of property.
9. I have not shared or agreed to share with any other entity, other than with my law firm, any compensation paid or to be paid.

Dated: October 10, 2005

Respectfully submitted: /s/ _____
PETER SCRIBNER, ESQ.
1110 Park Ave.; Rochester, NY 14610 (585) 261-6461

Washington Mutual Bank
11200 West Parkland Avenue
Milwaukee WI 53224

Stephen Baum, PC
Attorney for Washington Mutual
220 Northpointe Parkway Suite G
Amherst NY 14428

Greentree
800 Landmark Towers
345 St. Peter Street
St. Paul MN 55102

National Bank of Geneva
PO Box 193
Geneva NY 14456

St. Pius X FCU
2998 Chili Avenue
Rochester NY 14624

Allied Building Products Corp.
Keystone Builders Supply
1075 Buffalo Road
Rochester NY 14624

Allied Building Products Corp.
Keystone Builders Supply
3888 Collection Center Drive
Chicago IL 60693

Capital One Bank
PO Box 790216
St. Louis MO 63179-0216

Capital One Services
PO Box 85015
Richmond VA 23285-5015

Dell Preferred Account
PO Box 6403
Carol Stream IL 60197-6403

Dell Preferred Account
PO Box 81577
Austin TX 78708-1577

Discount Gutters, Inc.
167 Flanders Street
Rochester NY 14619

C&C Adjustment Bureau
Agent for Discount Gutters
46 Prince Street
Rochester NY 14607

Discover Card
PO Box 15251
Wilmington DE 19886-5251

Discover Financial Services Inc.
PO Box 3008
New Albany OH 43054-3008

E-Trade Financial
PO Box 9201
Old Bethpage NY 11803

E-Trade Financial
PO Box 5721
Hicksville NY 11802-5721

Fleet Bank
(Now Bank of America)
9 North Main Street
Pittsford NY 14534

GE Money Bank
PO Box 960061
Orlando FL 32896-0061

GE Money Bank
PO Box 981127
El Paso TX 79998-1127

Home Depot Credit Services
(Citibank)
PO Box 9100
Des Moines IA 50368-9100

GE Services Ltd. Partnership
Agent for Home Depot (Citibank)
PO Box 26999
San Diego CA 92196

Hunt's Hardware
750 South Avenue
Rochester NY 14620

Hunts Hardware
390 Thurston Road
Rochester NY 14619

JC Penny Company
PO Box 960001
Orlando FL 32896-0001

Lowe's
PO Box 981064
El Paso TX 79998-1064

Lowe's
PO Box 530914
Atlanta GA 30353-0914

Rochester Gas & Electric
Att: Bankruptcy Department
89 East Avenue
Rochester NY 14649

Sears Premium Card
CitiCards
PO Box 45129
Jacksonville FL 32232

Sears Premium Card
CitiCards
PO Box 182149
Columbus OH 43218-2149

Sears Premium Card
CitiCards
PO Box 6923
The Lakes NV 88901

Tulloch Plumbing & Heating, Inc.
PO Box 398
North Chili NY 14514

Tulloch Plumbing & Heating
Metropolitan Collection Agency
PO Box 18637
Rochester NY 14618